

### **Remarks**

This communication responds to the Office Action mailed September 13, 2006 for the application captioned above. The following remarks are respectfully submitted.

Claims 1-3 are pending. By this amendment, claims 1 and 3 are amended and claims 4-11 are added. Upon entry of this amendment, claims 1-10 will be pending, of which claims 1 and 3 are independent. No new matter will be incorporated into the present application by entry of this Amendment. If the Office determines that any additional fees are deemed to be necessary with the filing of this Amendment, then the Office is authorized and requested to charge such fees to Deposit Account No. 061910.

The Examiner objected to claim 3, stating that the phrase “internal motion generator” lacks proper antecedent basis. Applicant has amended claim 3 to address the Examiner’s concerns. Applicant thanks the Examiner for attention to this detail.

The Examiner rejected claims 1-3 under 102(b) as being anticipated by U.S. Patent No. 102(b) to Mabuchi (“Mabuchi”). Applicant respectfully requests reconsideration in light of the amendments and following arguments. Amended claim 1 calls for a method of rejuvenating skin comprising, among other things, maintaining a treatment paddle in contact with skin for a predetermined length of time. Amended claim 3 calls for an apparatus for rejuvenating skin comprising, among other things, a treatment component having a first surface configured to be maintained in contact the skin in a manner suitable for imparting desired motion to the skin for a predetermined length of time. Mabuchi does not disclose maintaining a device in contact with the skin. Rather, Mabuchi discloses a device that has a padder for repeatedly patting the skin. A padder is simply not held in contact with the skin, but merely pats the skin. Since Mabuchi fails to disclose all of the claim limitations of amended claims 1 and 3, it fails to anticipate these claims. Applicant respectfully requests the Examiner to withdraw the 102(b) rejection of claims 1 and 3, and claims depending thereon.

The Examiner rejected claims 1-3 under 102(a) or 102(e) as being anticipated by U.S. Patent No. 6,645,184 to Zelickson et al (“Zelickson”). The present application actually claims priority to Zelickson, so Zelickson does not qualify as 102(a) or 102(e) prior art. Applicant made this priority claim in the first paragraph of the specification upon filing the application. Applicant has hereby amended this first paragraph of the specification to clarify this priority claim. Applicant also notes that the filing receipt fails to show this priority claim. Thus, Applicant is

submitting a Request for a Corrected Filing Receipt simultaneously with this Amendment, requesting that the priority claim be shown on the filing receipt.

New claims 4-11 are added. Claims 4-7 are dependent on claim 1 and claims 8-11 are dependent on claim 3. Therefore, the new claims are patentable for at least the reasons already given with respect to claims 1 and 3.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. Applicant believes no fee is due to enter the present Amendment. The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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